

## REMARKS

This application has been reviewed in light of the Office Action dated August 22, 2006. In view of the foregoing amendments and the following remarks, favorable reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested.

Claims 1-11 are pending. Claims 6-10 have been withdrawn from consideration as directed to a non-elected invention. Claims 1, 2, 5 and 11 have been amended. Support for the claim changes can be found in the original disclosure, and therefore no new matter has been added. Claims 1, 5, 6, 8, 10 and 11 are in independent form.

Applicants wish to thank the Examiner for the courtesy of granting an interview in the instant application on November 28, 2006.

Claims 1-4 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,060,735 (*Izuha et al.*).

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Izuha et al.* in view of U.S. Patent No. 6,398,349 (*Murai*).

Without conceding the propriety of the rejections over the prior art, the independent claims have been amended. Applicants submit that the amended independent claims are allowable over the cited art, for at least the reasons set forth below.

Independent Claim 1 recites, *inter alia*, that (i) a region containing crystals of a first material (of which a lower electrode is formed) and crystals of a second material (of which a piezoelectric film is formed) exists between the lower electrode and the piezoelectric film, and/or (ii) a region containing crystals of the second material and crystals of a third material (of which

an upper electrode is formed) exists between the piezoelectric film and the upper electrode. Each of independent Claims 5 and 11 includes the same recitations.

*Izuha et al.* relates to a thin film dielectric device including a lower electrode 4, a dielectric thin film 5 and an upper electrode 6. Lower electrode 4 is composed of crystal grains a, dielectric thin film 5 is composed of crystal grains b, and upper electrode 6 is composed of crystal grains c. Crystal grains a, b and c may be of different materials, but they share certain characteristics, e.g., of crystal structure. The lattice constants of crystal grains a, b and c are to some extent matched.

However (as is understood to have been agreed by Applicants and Examiner during the interview), nothing in *Izuha et al.* is understood to teach or suggest that (i) a region containing crystals of a first material (of which a lower electrode is formed) and crystals of a second material (of which a piezoelectric film is formed) exists between the lower electrode and the piezoelectric film, and/or (ii) a region containing crystals of the second material and crystals of a third material (of which an upper electrode is formed) exists between the piezoelectric film and the upper electrode.

Even if *Murai* be deemed to teach what is alleged in the Office Action, that document is not understood to remedy the above-described deficiencies of *Izuha et al.* with respect to independent Claims 1, 5 and 11.

Since the cited documents, whether taken singly or in combination (even assuming, for the sake of argument, that such combination were permissible), do not teach or suggest all of the elements of any of Claims 1, 5 and 11, those claims are believed allowable over those documents.

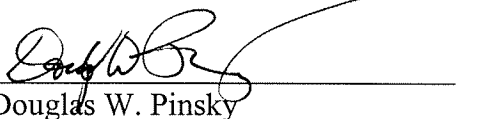
A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. These claims are therefore believed patentable over the art of record.

The other claims presented for examination are each dependent from independent Claim 1 and are therefore believed patentable for the same reasons. Since each of these dependent claims is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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